

Application No.: 10/654,279

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Claim 25 (New): The method of Claim 14 wherein the oil in water emulsion comprises from 2 to 10% squalene, from 2 to 10% alpha tocopherol and from 0.3 to 3% polyoxyethylene sorbitan monooleate.

Claim 26 (New) The method of Claim 25 which further comprises QS21 and 3D-MPL.

Claim 27 (New) The method of Claim 26 wherein the ratio of 3D-MPL to QS-21 is from 2.5:1 to 1:1.

REMARKS

Status of Claims

Claims 1-23 are pending in this application. Claims 1-13 have been canceled; Claims 14-23 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-15 of U.S. Patent 6,146,632 and Claims 1-15 of U.S. 6,623,739.

Amendments

The specification has been amended to recite the status of the applications upon which Applicants are basing their claim of priority.

Claims 14, 17, 18, 20, 21, and 23 have been amended; Claims 24-27 have been added. Basis for the amendment to Claims 14, 17, and 18 can be found in the specification on page 1, lines 24-28. Claims 14 and 20 have been further amended to particularly point out and distinctly claim what the Applicants consider their invention to be. Claim 17 has been further amended to remove a trade name. Claims 21 and 23 has been amended to correct a grammatical error. None of the amendments introduce new matter.

Basis for new Claims 24 and 26 can be found in the specification on page 1, lines 30-31; basis for new Claim 25 can be found on page 6, lines 7; basis for Claim 27 can be found on page 6, lines 8-9.

Response to Objection of Disclosure

The disclosure has been objected to because Applicants' continuing date statement did not include the status of each of the applications upon which Applicants are basing their claim of priority. Applicants have amended the specification to address the Examiner's objection.

Response to Rejection under 35 USC §112

The Examiner asserts that Claim 15 because the specification, while being enabling for method of treatment with immunogenic compositions, does not reasonably provide enablement for methods of treatment with vaccine compositions. Applicants have addressed this objection by amending Claims 14, 17, and 18 to replace the word "vaccine composition" or "vaccine" with "immunogenic composition".

Response to Obviousness-type Double Patenting Rejection

While not admitting that the instant claims are patentably indistinct over the cited claims, Applicants nevertheless agree to disclaim the terminal part of the patent granted for this application that would extend beyond the expiration date of U.S. Patents 6,623,739 and 6,146,632. Appended to this response is a terminal disclaimer in accordance with CFR §1.321.

For the foregoing reasons, Applicants respectfully request that the Examiner grant a Notice of Allowance for Claims 14-27.

Respectfully submitted,



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